

Notice of Allowability

Application No.

10/686,137

Examiner

Nathan M. Nutter

Applicant(s)

KRAMER ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 September 2007.
2. ☒ The allowed claim(s) is/are 12-14, 17, 18, 22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: no prior art has been found nor presented that either teaches or fairly suggests the production of a powder system consisting essentially of: at least one first polymer powder having reactive properties and at least one second polymer powder having fusible properties, wherein the at least one first polymer comprises at least one reactive polymer and wherein the at least one second polymer comprises at least one fusible polymer, the at least one reactive polymer selected from the group consisting of a cationic poly-electrolyte, a mixture of cationic and anionic polyelectrolytes, a polymer having an epoxy functionality, a polymer having a primary amino group, and mixtures thereof and the at least one fusible polymer selected from the group consisting of an acrylate polymer or copolymer, a copolymer of vinyl/vinylidene chloride, poly(styrene-co-butyl-acrylate), a polyester, a low melting polyolefin, a polyurethane, a polyether-ester elastomer, poly(vinyl acetate), an ethylene-vinyl acetate co-polymer, a vinyl ester polymer, a vinyl ester copolymer, and mixtures thereof, and wherein the at least one first polymer is selected to be reactive with a liquid binder and wherein the at least one second polymer is selected to be fusible at a temperature above the melting point or glass transition temperature of the at least one second polymer. Further, no prior art has been found that employs a reactive polymer of polyacrylic acid, or that may be present in the powder system at "from approximately 5% by weight to approximately 75% by weight, as is herein claimed. The outstanding provisional rejection made under the judicially-created doctrine of obviousness-type double patenting over Kramer et al (SN 10/648,122), now

Art Unit: 1796

U.S. Patent No. 7,120,512, is expressly withdrawn in view of the timely-filed Terminal Disclaimer. The outstanding rejection made under the judicially-created doctrine of obviousness-type double patenting over Oriaki et al (SN 10/678,754) is expressly withdrawn in view of the timely-filed Terminal Disclaimer. The rejection of the claims under 35 U.S.C. 103 in view of Kramer et al (US 2004/0224173) has been overcome by a showing of reduction to practice antedating the reference in the Declaration of Kramer of 6 August 2007. Since there are no other outstanding issues with regard to the clarity or enablement of the claims, these claims are deemed to contain allowable subject matter.

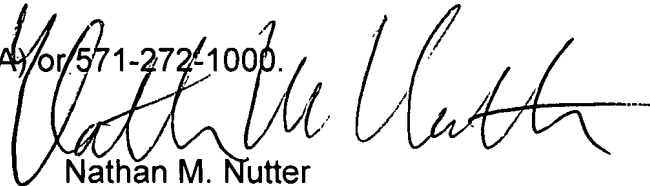
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nathan M. Nutter
Primary Examiner
Art Unit 1796

nmn

19 October 2007